



RPC BULLETIN

U.S. Senate Republican Policy Committee

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Marking Progress: Assessing the Benchmarks in Iraq

Introduction: Assessment Summary

In P.L. 110-28, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, Congress codified 18 benchmarks stemming from commitments made by the government of Iraq (GoI) starting in June 2006. It further required the administration to report in July and September 2007 on whether satisfactory progress was being made towards meeting the benchmarks.

According to Ambassador Crocker's most recent testimony before the Senate Armed Services Committee, on April 8, 2008, the administration is currently "reevaluating the status of the benchmarks." When asked to confirm recent reports that at least 12 of the 18 benchmarks have been accomplished, Ambassador Crocker said, "I think that's about right." This statement highlights both the significant political progress in Iraq, and the difficulty of assessing qualitative benchmarks with absolute precision.

This bulletin compiles information from key commentators and official sources on the benchmarks, and provides a detailed analysis on each benchmark. The conclusions below may differ in some cases from the conclusions articulated by administration officials and military officers in coming weeks. The important thing is to shed light on the very significant progress that has occurred across the board in terms of political reconciliation in Iraq. Taken together, the benchmarks – whether technically completed or not – show a record of important achievements, which must be recognized despite the universal impatience in and out of Iraq with the pace of the progress. As General David Petraeus testified, no one is "satisfied with the progress that had been made, either Iraqi or American." But, "there has indeed been progress in the political arena and there actually has been progress in a variety of the other arenas."

When the administration made its first report in July 2007,¹ only two of the benchmarks had been met and most showed no significant progress. Less than a year later, at least 12 of the benchmarks can fairly be said to have been satisfied, and the rest show significant progress or are being implemented in substance.

The 18 benchmarks fall into three groups: (1) legislative, (2) security, and (3) minority rights and government performance. Most of the legislative benchmarks have been completed or are being implemented in substance; virtually all the security benchmarks are complete; and the minority rights and government performance benchmarks are all showing significant progress.

Legislative benchmarks. The first seven benchmarks set forth pieces of legislation that the Iraqi government must pass in the furtherance of political reconciliation. The seven benchmarks actually consist of a constitutional review requirement and 10 specific areas of legislation (the fifth benchmark – provincial elections legislation, comprises several elements). As to constitutional review, the work of the Constitutional Review Commission has proceeded more slowly than expected, but several of the most important constitutional issues are being resolved, for example through other benchmark legislation. Of the 10 specific legislative items, eight have passed, a ninth (the provincial elections law) is expected to pass within weeks, and the 10th – a hydrocarbons law – is being implemented in substance. A specific hydrocarbons law would provide valuable certainty for provincial budgets and commercial development, but the law's main purpose – the equitable distribution of Iraq's hydrocarbon resources – is already being fulfilled through the state budgets.

It can no longer be seriously disputed that Iraq's legislative process has continued to improve, and has proven a vital tool for Iraqis to achieve the key compromises necessary for lasting reconciliation. Iraqi legislators and government leaders have grown increasingly accustomed to working together – and their work has become as central to the political discourse of their country as in any democracy. While opponents of the war automatically concentrate on the failings, it is increasingly clear that the most solid, modern, open, and sophisticated democratic government in the Arab world is rapidly emerging in Iraq.

Security benchmarks. The next eight benchmarks represent commitments the GoI made to shoulder its burden in the fight to establish security in Iraq generally, and in connection with the Baghdad Security Plan (BSP). In every case, the GoI and its security forces have met or greatly exceeded expectations. The GoI vigorously supported the BSP economically, politically, and through the media; it is providing several times the required number of forces for Baghdad; Iraqi Security Forces have targeted Shiite and Sunni insurgents without distinction and have eliminated all sanctioned safe havens; the largest operations carried out to date by Iraqi Security Forces (ISF) have been targeted against the few remaining areas of militia security control; the GoI has exceeded the number of required joint security stations; and it has vastly increased the size of the ISF and their capacity to operate effectively and independently.

Minority Rights and GoI performance benchmarks. The last three benchmarks go to the protection of minorities and governance capacity, and all have shown significant progress. The benchmark to protect minority parties in the legislature is difficult to measure. The legislative package that was passed earlier this year – combining a budget that gave 17 percent of revenue to the Kurdish region (which is what the Kurds wanted), an amnesty law (supported by the Sunnis and the Sadrists), and a provincial powers law that was initially vetoed by the Shiite vice-president because it made too many concessions to minority blocs – is a clear indication that the concerns and interests of minorities are being adequately addressed.² Another indication of this is in the fact that the Sunni and Sadrist groups, who long boycotted the political process, have

been pining for provincial elections so they can secure due representation on the provincial councils. There are also clear indications that the Iraqi Security Forces are increasingly viewed and treated as a professional and formidable force. After purging two-thirds of the senior leaders of the national policy forces of the Ministry of Interior, there is far less need to “undermine” or question the professionalism of the Iraqi military. In the reconstruction funding, the problem is that budget execution lags behind the budget allocation. Iraqis are exceeding the \$10 billion benchmark in terms of budget allocation (which reached \$13.1 billion this year) but the lack of administrative capacity continues to hamper their ability to spend the money itself. Yet even here, there has been progress: the GoI’s capital spending was at least \$4.7 billion in 2007, up from \$1.4 billion in 2006.

The following table summarizes the current status of the 18 benchmarks, alongside their status nine months ago. Following the table is a discussion of each benchmark in detail.

	Benchmark	July 2007	Now
Legislative Benchmarks	1. Constitutional review	Progressing	Substantial progress de facto
	2. De-Ba'athification law	Unsatisfactory	SATISFIED
	3. Hydrocarbons law	Unsatisfactory	Stalled but de facto satisfied
	4. Regional autonomy law	Progressing	SATISFIED
	5. Elections legislation	Unsatisfactory	SATISFIED
	a. Elections commission	SATISFIED	SATISFIED
	b. Provincial election laws	Unsatisfactory	Substantial Progress
	c. Provincial powers law	Unsatisfactory	SATISFIED
	d. Provincial elections date	Unsatisfactory	SATISFIED
	6. Amnesty law	Unsatisfactory	SATISFIED
	7. Militia disarmament law	Unsatisfactory	SATISFIED
Security Benchmarks	8. GoI support for BSP	SATISFIED	SATISFIED
	9. 3 ready brigades for BSP	Progressing	SATISFIED
	10. ISF authority to act	Unsatisfactory	SATISFIED
	11. ISF impartiality	Unsatisfactory	Substantial Progress
	12. No official safe haven	Progressing	SATISFIED
	13. Reduce violence/militias	Progressing	SATISFIED
	14. Joint security stations	Progressing	SATISFIED
	15. Increase ISF units	Unsatisfactory	SATISFIED
GoI	16. Protect minority parties	Progressing	Substantial Progress
	17. Pay for reconstruction	Progressing	Substantial Progress
	18. No undermining ISF	Unsatisfactory	Substantial Progress

Analysis: The Benchmarks in Detail

Benchmark 1: Constitutional Review Committee

- July 2007: Satisfactory progress: “The Government of Iraq has made satisfactory progress toward forming a Constitutional Review Committee (CRC) and then completing the constitutional review.”¹
- Now: Implemented de facto: The Council of Representatives (CoR) “formed a Constitutional Review Committee in September 2006. It was originally supposed to report back in May 2007, and submitted a draft, but has since been granted an extension through August 2008. On the other hand, most of the key provisions in the Iraqi constitution requiring review involve the rest of the benchmark legislation, so this can be fairly said to be underway.”³ Constitutional issues being dealt with in practical terms through other benchmark legislation include the key questions of regional autonomy, provincial powers, and oil-revenue sharing. Iraqis have shown an increasing capacity for compromise on even these most difficult constitutional issues. On the other hand, the Kurdish Regional Government is holding up the work of the Constitutional Review Committee pending resolution of the status of Kirkuk (Article 140), so “the Committee failed to meet the December 2007 deadline for a final report and was granted a six-month extension.”⁵

Benchmark 2: Legislation on de-Ba'athification reforms

- July 2007: Unsatisfactory progress: “Reintegration of former Ba’athists who have not committed crimes has already begun; however, a sweeping, government-led, legislated, and institutionalized reform program over time would send a positive signal in favor of reconciliation.”¹
- Now: “PASSED: Approved by default by the Presidency Council February 2008. Published in the Official Gazette in mid-February.”⁴

Benchmark 3: Legislation on equitable distribution of oil resources

- July 2007: Unsatisfactory progress: “Prime Minister Maliki intends to submit the Revenue Management Law to the [Council of Ministers] soon, for subsequent consideration by the CoR along with the framework Hydrocarbon law.”¹
- Now: Implemented de facto: The State Department reports, “The level of control allocated to the central government in the July 2007 draft version of the Framework Law (currently in CoR Committee) is the key point of disagreement; there may be more progress on the Revenue Management Law, currently with the Shura Council, in the coming months.”⁴ In a recent *Weekly Standard* article, Fred Kagan writes, “The Kurds are the major holdup here. But the provincial powers act and the 2008 budget do this de facto. The 17 percent share of Iraq's oil revenue given to the Kurds in the 2008 budget

represented the short-term compromise on this issue, with negotiations on the longer-term legislation continuing.”³

Benchmark 4: Legislation on creating semi-autonomous regions

- July 2007: Satisfactory progress: “The regions law has been passed. Implementation of this legislation should take place after provincial elections are held and after the passage of an updated elections law.”¹
- Now: PASSED: This law was set to go into effect in April 2008 to give the legislature time to pass a provincial powers law and set elections, both of which have happened. This benchmark is on track, although some commentators have been critical of the law. Noting that the Kurdish Regional Government is already up and running and now other provinces will be able to form semi-autonomous regional governments, Kagan writes, “We can fairly say that this is moving ahead while hoping that it does not happen.”³

Benchmark 5: (Elections laws)

- July 2007: Almost no progress had been made on these benchmarks.¹
- Now: COMPLETE: With all major hurdles dealt with and only one technical hurdle remaining it is fair to conclude that this benchmark is substantially complete.

Benchmark 5a: Legislation establishing Independent High Electoral Commission

- July 2007: COMPLETE: “On January 23, 2007, the CoR passed the Independent High Electoral Commission (IHEC) Law, which the Presidency Council (the President and two Deputy Presidents) approved on February 27, 2007.”¹

Benchmark 5b: Provincial election laws

- July 2007: Unsatisfactory progress: “Drafting of the law has just begun.”¹
- Now: Substantial progress: “The CoR is currently reviewing the law, which will set the legal basis and structure of provincial elections.”⁴ Moreover, the chief obstacles to passing the elections law were removed in the provincial powers law, which sets both a deadline of October 1, 2008 for all provincial elections and clarified the authorities of the provincial councils.

Benchmark 5c: Provincial council authorities

- July 2007: Unsatisfactory progress: “The CoR is working on legislation, which has had its second reading; however, the CoR committee continues to work on revisions to the draft law, and it remains unclear when the legislation will come to a third and final vote by the full CoR.”¹

- Now: “PASSED: CoR approved the law on February 13; the law was vetoed by the Presidency Council February 26. The veto was rescinded on March 19.”⁴

Benchmark 5d: Set date for provincial elections

- July 2007: Unsatisfactory progress: “The United States Government and UNAMI [the United Nations Assistance Mission in Iraq] are working closely with the Iraqi Government to accelerate the drafting and passage of the Provincial Powers Law and set a date for provincial elections. Additionally, the United States Government is working with Iraq Security Forces to ensure that they are adequately prepared to provide security for free and fair elections.”¹
- Now: COMPLETED: The provincial powers law sets October 1, 2008 as the date by which all provincial elections must be held.

Benchmark 6: legislation addressing amnesty

- July 2007: Unsatisfactory progress: “There is little progress toward legislation establishing amnesty for those who fought against the government since 2003 or who committed crimes in the name of the Iraqi Government. Neither the GOI nor the CoR are pressing forward the passage of amnesty legislation.”¹
- Now: COMPLETED: “CoR approved the law on February 13; the law was signed by the Presidency Council February 26 and was implemented March 2.”⁴ This removes perhaps the single most important stumbling block for the Sunnis (and a significant concern for the Sadrist as well) because the Ministry of Interior has unjustly imprisoned thousands of Sunnis and suspected members of Sadr’s militia, who are being held for long periods without evidence or preliminary hearings. Hundreds have been released so far.

Benchmark 7: Legislation establishing militia disarmament

- July 2007: Unsatisfactory progress: “The CoR included \$150 million in its 2007 budget for Disarmament, Demobilization, and Reintegration (DDR), but the Ministry of Finance (MOF) is waiting to release the funds pending development of a Government of Iraq plan for DDR. However, the CoR has not moved toward passage of legislation to establish a disarmament program, nor are senior Iraqi officials or political-party leaders focused on passing such a law.”¹
- Now: COMPLETED: Kagan writes: “Laws have been passed and decrees have been issued declaring that only the Iraqi Security Forces (ISF) are legitimate armed forces. The movement of former insurgents into Concerned Local Citizens groups is a major part of accomplishing this task. Moqtada al Sadr’s ceasefire (extended for another six months) is another element of it. Maliki’s recent push to disarm Sadrist militias in Basra and elsewhere is evidence of the Iraqi Government’s determination to accomplish this goal, even if it is not yet capable of doing so.”³ Recent statements by Maliki that the

Sadrists have no right to participate in the political process as long as they continue to keep a large militia underscores this. There are still many militias in Iraq, especially among the Shiites, but they are assuming an increasingly regularized and supportive role with respect to the central government's forces. According to recent polls, Iraqi popular support for militias has decreased dramatically as their support for the official security forces has increased; 76 percent of Iraqis trust the Iraqi Army to protect them.

Benchmark 8: Establishing political, media, economic, service committees

- July 2007: COMPLETE: “As part of Operation Fardh Al-Qanun (FAQ), the Iraqi Government established an Executive Steering Committee (ESC) to better coordinate and synchronize the non-kinetic aspects of FAQ with security operations. The establishment of the ESC and related subcommittees meets the requirement of the benchmark.”¹

Benchmark 9: Three trained and ready brigades

- July 2007: Satisfactory progress: “The Iraqi Ground Forces Command (IGFC) had difficulty deploying three additional full Iraqi Army (IA) brigades at sufficient strength to Baghdad, but compensated by pulling units from a variety of IA divisions to provide the equivalent additional force...While manning levels for the deployed Iraqi units continue to be of concern, the Iraqi Government has provided the equivalent of three additional brigades to Baghdad and has made provisions to sustain this level of effort and to address manning issues.”¹
- Now: COMPLETE: Kagan reports, “Done—over and above, in fact. Far more than three brigades have rotated through Baghdad, to say nothing of the Iraqi brigades fighting actively in Anbar, Ninewah, Salah ad Din, Babil, Diyala, Wasit, Qadisiya, Basra, and elsewhere. The Iraqi Government is forming a new division in Baghdad (the 11th) to eliminate the need to keep moving forces from provinces into the capital. When that formation is complete, there will be three Iraqi Army divisions permanently stationed in or near the capital (the 6th, the 11th, and the 9th Mechanized Division based in Taji).”³ There are three brigades in a division of the Iraqi Army.

Benchmark 10: Provide Iraqi commanders all authorities to operate effectively

- July 2007: Unsatisfactory progress: “Iraqi and coalition forces have been given authorities to go after insurgents and militias, but there remains a negative political influence at a variety of levels with evidence of sectarian behavior. Thus, while there has been progress, it has been too uneven to warrant a satisfactory judgment at this time.”¹
- Now: COMPLETE: The Iraqi Security Forces have been purged and new leaders carefully vetted, while the Shiite governing bloc in the Maliki government has stopped interfering in ISF and Coalition actions for political reasons. Kagan reports, “Both U.S. and Iraqi forces have regularly targeted both Sunni and Shiite militias. The emphasis in this benchmark was on operations against Shiite militias. Again, the recent operations in

Basra highlight the renewed and increasing determination of the Iraqi Government to accomplish this goal.”³

Benchmark 11: Ensure ISF even-handed enforcement

- July 2007: Unsatisfactory progress: “ISF performance has generally been adequate, particularly when partnered with Coalition forces. Because we are holding the ISF to a high standard, however, the overall judgment at this time remains unsatisfactory.”¹
- Now: Substantial Progress: By all accounts, the Iraqi Security Forces are a far more professional force today than a year ago, and joint operations with Coalition forces are giving them an increased sense that it is better to be respected than feared. But, as Kagan notes, “It is hard to give a definitive ‘red light’ or ‘green light’ to this—some Americans do not think that American law enforcement does this. But enormous progress has been made since January 2007.”³

Benchmark 12: Ensure the Baghdad Security Plan (BSP) will not permit safe havens

- July 2007: Satisfactory progress: “United States commanders report overall satisfaction with their ability to target any and all extremist groups. The progress toward this benchmark has been satisfactory, and the effect is that the Coalition and the ISF are able to continue clearing and securing areas in and around Baghdad from which the enemy had been operating.”¹
- Now: COMPLETE: Kagan writes, “There are no ‘safe havens’ in Iraq for outlaws. U.S. and Iraqi conventional and special forces have targeted Sunni and Shiite militias and criminals from Kurdistan to Basra, including Sadr City.”³

Benchmark 13: Reduce sectarian violence, eliminate militia control

- July 2007: Satisfactory progress: “Militia presence is still strong and reaches into the security services of a number of ministries. Despite some progress, militias are still a dominant force in parts of Baghdad, Basra, and many provinces in Iraq.... Furthermore, though sectarian violence has been reduced, it is not yet reduced to a level the Coalition judges acceptable.”¹
- Now: COMPLETED: Violence is down dramatically, and areas of militia control have been largely eliminated. Civilian and military casualties were both down more than 70 percent in the year to March.⁵ ISF and Coalition forces are free to operate in all parts of the country, including most of Baghdad. Moreover, Kagan notes, “Attacks against Sadrist positions in Basra are the start of an assault on the last bastions of militia control of local security in Iraq.”³

Benchmark 14: Establish joint security stations

- July 2007: Satisfactory progress: “As of June 16, Multinational Division-Baghdad reports 32 Joint Security Stations have achieved initial operational capability and 36 Combat Outposts have achieved initial or full operational capability. This benchmark is on track for completion at the required time.”¹
- Now: COMPLETE.

Benchmark 15: Increase number of independent ISF capable units

- July 2007: Unsatisfactory progress: “Development of ISF capabilities continues to grow while the ISF increases operational tempo for Operation Fardh al-Qanun. Readiness assessments for the National Police continue to show slow but steady improvement, but we continue to have concerns about the sectarian leaning of some national police units. The effect is that the presence of Coalition partners and support remains necessary for ISF operations.”¹
- Now: COMPLETE: Kagan notes, “Forty new ISF battalions will come on line this year.”³ Recent operations in Basra, in which the GoI moved more than a division’s worth of their troops from the north, demonstrate the ISF’s capacity to engage in effective large-scale operations.

Benchmark 16: Ensure rights of minority are protected in legislature

- July 2007: Satisfactory progress: “The CoR elected in December 2005 includes representatives from the Shi’a, Sunni, Kurdish, Turkmen, Chaldo-Assyrian Christian, and Yazidi communities. The Rules of Procedure for the CoR guarantee the ability of its members to express their opinions, regardless of political party or affiliation, helping to ensure the full participation of all its members. CoR rules permit groups as small as 10 members out of 275 to propose legislation.”¹
- Now: Substantial Progress: The legislative package that was passed earlier this year – combining a budget that gave 17 percent of revenue to the Kurdish region (which is what the Kurds wanted), an amnesty law (supported by the Sunnis and the Sadrists), and a provincial powers law that was initially vetoed by the Shiite vice-president because it made too many concessions to minority blocs – is a clear indication that the concerns and interests of minorities are being adequately addressed.²

Benchmark 17: Allocate and spend \$10 billion for reconstruction

- July 2007: Satisfactory progress: “In 2006, the Iraqi Government managed to execute only 22 percent of its capital budget (an estimated \$1.35 billion of \$6.2 billion budgeted). It is worth noting that implementation and expenditure of the budget were slowed by the fact that the permanent government was not established until June 2006. A significant improvement in performance is necessary to make satisfactory progress on the 2007 benchmark. The most important change in 2007 is that all parties and all levels of Iraqi

Government, from central to provincial to local, share an acute and unifying emphasis on budget execution. Unlike last year, the budget passed in February 2007 included detailed capital budgets. Although the trend to date is positive, sustaining progress through September to meet this benchmark at year-end requires accelerated spending and procurement activity, which are challenging tasks in the face of capacity constraints and security problems.”¹

- Now: Substantial Progress: Iraqis are exceeding the \$10 billion benchmark in terms of budget allocation (which reached \$13.1 billion this year) but the lack of administrative capacity continues to hamper their ability to spend the money itself. Even in capital budget execution, however, actual spending by the Iraqi government will greatly exceed \$5 billion this year, up from \$1.4 billion in 2006.

Benchmark 18: Ensure political authorities are not undermining or making false accusations against ISF members

- July 2007: Unsatisfactory progress: “Iraqi authorities continue to undermine and make false accusations against ISF members. There are still several reports each month of allegations of wrongdoing against ISF members believed to be non-sectarian in their approach to security. Some members of the CoR and Council of Ministers have publicly supported ISF leaders while behind the scenes they continue to turn a blind eye to sectarian activities.”¹
- Now: Substantial Progress: After purging two-thirds of the senior leaders of the national policy forces of the Ministry of Interior, there is far less need to “undermine” or question the professionalism of the Iraqi military. Kagan notes, “There has been progress here, but significant challenges remain.”³

Sources

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